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TO COMBAT DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
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Agenda item 2

DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

Note by the Secretariat

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I. INTRODUCTION

1. In its resolution entitled "Work Programme for the Interim Period" adopted at the sixth session (document A/AC.241/L.24), the INCD decided to allocate to Working Group I the question of making recommendations to the Conference of the Parties on the designation of a Permanent Secretariat and arrangements for its functioning. In the same resolution, the Committee further requested the Secretariat to prepare a document on this question with a view to facilitating the deliberations of the Committee at the seventh session.

2. The present note was prepared by the Secretariat in response to this request. It briefly reviews the actual arrangements relating to the Interim Secretariat and considerations relevant to the transition from the Interim Secretariat to the Permanent Secretariat. It provides preliminary considerations concerning options available to the Conference of the Parties in reaching a decision on an institutional framework for the Permanent Secretariat, in making related financial and staffing arrangements for it and in selecting its physical location. Finally, the note suggests a possible course of action for further examination of this matter by the Committee at its eighth session.

II. DECISIONS REQUIRED

3. Article 23 of the Convention provides for the establishment of a Permanent Secretariat, lists its functions and stipulates that "the Conference of the Parties, at its first session, shall designate a Permanent Secretariat and make arrangements for its functioning."

4. The designation of a Permanent Secretariat raises two basic issues. The first is the institutional arrangements for its functioning, including possible administrative linkages to an existing organization or organizations. The second is its physical location. While related, these two issues are distinct to the extent that a decision on one of them does not necessarily affect the other.

III. PRESENT SITUATION

5. Article 35 of the Convention provides that the functions of the Permanent Secretariat referred to in article 23 are to be carried out on an interim basis by the Secretariat established pursuant to General Assembly resolution 47/188 (the "Interim Secretariat"), until the completion of the first session of the Conference of the Parties.

6. Institutionally, the Interim Secretariat is part of the United Nations (UN) Secretariat. It is attached to the Department of Policy Coordination and Sustainable Development (DPCSD). It is administered under United Nations staff rules and financial regulations.

7. Administratively, the Executive Secretary reports to the Under-Secretary-General for Policy Coordination and Sustainable Development. However, policy guidelines for the work of the Interim Secretariat are provided by the INCD and by relevant resolutions of the General Assembly.

8. The core staff and operating expenses of the Interim Secretariat are funded by the regular budget of the United Nations. These expenses appear under the subprogramme "Combatting desertification, particularly in Africa", in the section of the budget covering DPCSD. Additional staff are provided by the World Meteorological Organization (WMO) and the Food and Agriculture Organization (FAO). The balance of the Interim Secretariat's budget, including bilateral staffing arrangements, is funded by voluntary extrabudgetary contributions.

9. The Interim Secretariat is located on United Nations premises in Geneva. Its current office space is provided free of charge by the Swiss Government. It has access to United Nations conference services within the limits of the United Nations regular budget and calendar of conferences.

10. Administrative support, provided by DPCSD, as well as communications and computer networks, have been shared with the Climate Change Secretariat, and will be shared until 1 January 1996, when it moves to Bonn under new arrangements. The Interim Secretariat also benefits from its co-location with the Geneva Regional Office of the United Nations Environment Programme (UNEP), including through access to its information unit and other facilities.

11. The substantive work of the Interim Secretariat is enhanced by the physical proximity of personnel from other secretariats, as well as intergovernmental and non-governmental organizations, particularly with respect to the preparation of documentation for the sessions of the Committee.

IV. TRANSITION TO THE PERMANENT SECRETARIAT

12. In accordance with article 35 of the Convention, the Interim Secretariat is to function until the completion of the first session of the Conference of the Parties. However, some time will be needed beyond that session to set up new institutional arrangements, to arrange for funding on a new basis, to secure adequate premises and to mobilize staff for the Permanent Secretariat. This would be so even if, in the simplest of cases, the Permanent Secretariat were to be set up within the United Nations in Geneva, on the foundations of the Interim Secretariat.

13. Normal practice would be to begin new arrangements at the beginning of the calendar year following the first session of the Conference of the Parties or as soon as possible thereafter in that year.

V. OPTIONS FOR THE PERMANENT SECRETARIAT

14. In designating a Permanent Secretariat, the overriding preoccupation of the Parties will be to make a decision conducive to the effective implementation of the Convention and to the achievement of its objectives. The Parties will also wish to ensure the substantive autonomy of the Permanent Secretariat with respect to any institutions providing administrative support, so that it can be fully responsive to the policy guidelines of the Conference of the Parties.

15. In making practical arrangements for the functioning of the Permanent Secretariat, the Parties will consider a number of related factors, such as costs, means of financing, administrative efficiency and managerial effectiveness.

Committee members may wish to keep these factors in mind when considering the following issues.

A. Institutional arrangements

(1) Basic approach

16. Once it enters into force, the Convention, with its organs, will constitute a new international entity, with its own legal personality. It would be possible for the Conference of the Parties to designate a free-standing Permanent Secretariat, that is one which independently provides all of its own administrative support and services. This could, conceivably, enhance the political visibility of the Convention. However, for a small organization, it would entail financial and management disadvantages. The major drawbacks are high administrative costs and overheads, such as the need for separate pension and benefit systems, and restricted or costly access to services, including conference services.

17. Such considerations, among others, have generally led the governing bodies of conventions to establish administrative linkages of various sorts between their secretariats and existing institutions. Secretariats can and do, however, provide many administrative services on their own. This sometimes occurs under delegation of authority from organizations providing administrative support, as will likely be the case with the secretariat of the Climate Change Convention.

(2) Nature of administrative arrangements

18. Should it be decided to establish an administrative umbrella for the Permanent Secretariat in collaboration with an existing organization or organizations, the Conference of the Parties would have to enter into agreements covering administrative and operational support that the Permanent Secretariat cannot provide for itself. The following are the major types of support activities and services that might need to be covered in such arrangements:

(a) administration of funds to receive contributions and to finance the activities of the Conference of the Parties, its subsidiary bodies and the Permanent Secretariat;

(b) disbursement, accounting, auditing and other financial services;

(c) provision, maintenance and security of office space;

(d) procurement, transportation and travel services;

(e) recruitment and other personnel services, including the administration of staff benefits;

(f) communications facilities and information management, including administration of internal computer networks and access to external ones;

(g) services from an organization's field offices, such as facilitation of travel of developing country delegates to meetings of the Conference of the Parties; and

(h) interpretation, translation, documentation and other conference services for sessions of the Conference of the Parties.

(3) Possible institutional linkages

19. There are precedents in the functioning of the secretariats of various environmental conventions for a wide variety of administrative arrangements with organizations of many types. The Secretariat can provide information to the Committee on them if it desires. The organizations from which the Permanent Secretariat could draw administrative support and services include:

(a) the administrative and conference service departments of the United Nations Secretariat at various UN headquarters;

(b) a substantive department of the United Nations Secretariat, such as DPCSD;

(c) a United Nations Programme, such as the United Nations Development Programme (UNDP) or the United Nations Environment Programme (UNEP);

(d) a specialized agency of the United Nations system, such as FAO, WMO, the International Fund for Agricultural Development (IFAD) or the United Nations Educational, Scientific and Cultural Organization (UNESCO); and

(e) an organization outside the UN system, whether governmental or non-governmental, such as the World Conservation Union (IUCN).

20. It would be possible for the Permanent Secretariat to receive all, or the bulk, of its outside administrative support, from a single institution, as a number of convention secretariats do from UNEP. It is equally possible, however, to draw support from a variety of sources, choosing among them to maximize the efficiency and minimize the cost of outside services provided. For example, pursuant to a decision of the first session of the Conference of the Parties of the Framework Convention on Climate Change, the functioning of the Climate Change Secretariat will be provided for in the second fashion. Under an overall agreement between the UN Secretary General and the Climate Change COP, the Climate Change Secretariat will provisionally receive administrative support from the United Nations without being fully integrated in the work programme and management structure of any particular programme. It will then enter into separate agreements with the UN Secretariat and other organizations of the UN system to receive administrative, conference and other services it cannot provide for itself.

21. It should be emphasized that the Permanent Secretariat, in carrying out its mandate as the "facilitator" of consultative processes and other implementation activities of the Convention, will have to establish a balanced substantive relationships with all international institutions concerned with combatting desertification. It will also have to collaborate with the secretariats of related conventions pursuant to article 14 of the Convention. This will be true irrespective of the administrative arrangements for its functioning.

(4) Cost-sharing

22. The Parties to a Convention are responsible for meeting its operating costs. However, in drawing administrative support from an existing institution or institutions, it may be possible for the Conference of the Parties to negotiate arrangements for sharing the costs of the Convention process. A variety of costs might be absorbed in kind, in whole or in part, by organizations providing administrative support to the Permanent Secretariat. They could include:

(a) the costs of services that organizations offer in areas such as finance, personnel and public information;

(b) the expenses of holding and servicing meetings of the Conference of the Parties; and

(c) the salaries and operating costs of the Permanent Secretariat.

23. An organization providing administrative support could also be of assistance in establishing a financial "safety net" for the Permanent Secretariat in the form of temporary advances to cover possible income shortfalls. This could reduce the size of any cash reserve from contributions that the Conference of the Parties decided to establish. In a similar way, a concerned organization might be able to provide guarantees allowing the Permanent Secretariat to establish financial obligations beyond the period for which contributions were available. This would, for example, enable members of the Permanent Secretariat to be retained with longer-term contracts.

24. These matters are also examined in document A/AC.241/35 on financial rules.

(5) Staffing considerations

25. Within the context of administrative arrangements for the Permanent Secretariat, it may be necessary to make provisions for the Conference of the Parties to express its views on certain aspects of staffing arrangements. An issue likely to be of particular concern to the Conference of the Parties is the determination of requirements for the post of head of the Permanent Secretariat, including the suggested level of the post and its term of office, as well as the role of the Conference of the Parties in his or her nomination or appointment.

(6) Criteria for making administrative arrangements

26. Institutions that might provide an administrative umbrella for the Permanent Secretariat could be consulted in order to determine their interest in, and capacity for, doing so. Committee members may wish to evaluate offers from institutions, and subsequently make recommendations to the Conference of the Parties by reference to key criteria. A tentative list of such criteria is found in Annex I. It is based on similar lists drawn up in the context of the conventions on climate change and biological diversity.

B. Physical location

27. In addition to a decision on administrative support for the Permanent Secretariat, the Conference of the Parties will be required to decide, at its first session, on its physical location.

28. As previously mentioned, the Interim Secretariat is currently located in Geneva together with some other convention secretariats, including several attached to UNEP. However, a number of INCD members may wish to propose other suitable locations and desirable conditions for hosting the Permanent Secretariat. Several have expressed interest in this regard during the negotiating process of the Convention. The Committee may wish to examine the relative economic and operational merits of the locations and premises of any such proposals in order to be in a position to make a recommendation to the Conference of the Parties. Annex II provides a tentative list of elements of information which might be requested from interested governments. It is based on experience of a similar process in the framework of the conventions on climate change and biodiversity.

C. Policy guidelines for the Permanent Secretariat

29. Whatever the institutional arrangements adopted, policy guidelines for the Permanent Secretariat will be derived from the Convention and from the decisions of the Conference of the Parties and its subsidiary bodies.

VI. POSSIBLE ACTION BY THE COMMITTEE

30. The Committee may wish to give guidance to the Interim Secretariat on the further exploration of preferred options for the Permanent Secretariat.

31. With respect to possible provisions for administrative support, the Committee could invite relevant organizations, by a certain date, to express and justify their interest in providing such support. In doing so, they would provide as much information as possible on types of administrative services they might offer, conditions that would apply and advantages that could be derived. The written contributions of interested organizations could be based on the tentative list of criteria provided in Annex I.

32. Similarly, with respect to the physical location, the Committee could invite interested countries to provide detailed information on the conditions and advantages attached to their offers, with special focus on items tentatively listed in Annex II.

33. The Secretariat could then be requested to compile offers on administrative support and physical location and submit them to the Committee for consideration at its eighth session.

ANNEX I

Categories of information which might be requested from relevant international organizations with a view to arranging administrative support

General benefits

1. Relevance of the mandate, general objectives and activities of organizations to the objectives of the Convention

2. Past involvement of organizations with the development of the Convention and activities related to it

3. Context which the organizations would offer for establishing effective relationships with other conventions and other international institutions

4. Any other general benefits to be derived

Organizational and administrative arrangements

5. The process for the Conference of the Parties entering into agreements with organizations, including nature, form and timing

6. Administrative infrastructure available in organizations to support the Permanent Secretariat and activities of the Conference of the Parties, including personnel, financial, communications, information management and conference services frameworks

7. Adjustments to normal organizational and administrative arrangements possible to preserve the autonomy of the Conference of the Parties and the Permanent Secretariat, including:

   (a) a distinct status for the Permanent Secretariat

   (b) appropriate financial procedures, particularly those relating to contributions by Parties and administration of funds

   (c) appropriate personnel procedures, including for recruitment and appointment of senior staff

8. Possible arrangements for sharing different categories of costs between organizations and the Parties to the Convention and charges for services not absorbed by the organization's budget

9. Feasibility of advances through the budgetary processes of organizations to guarantee the Permanent Secretariat's cash flow and allow it to enter into necessary long-term commitments

10. Administrative and financial framework, if any, for linkage with other convention secretariats

11. Impact, if any, of location of Permanent Secretariat on substantive and administrative linkages possible between it and the organization

ANNEX II

Categories of information which might be requested from countries interested to host the Permanent Secretariat

Legal framework

1. Privileges and immunities which would be conferred on the Permanent Secretariat and its staff members

2. Rules, including any restrictions, applicable to the employment of dependents of staff members

3. Nature of Headquarters agreement, if needed

Features of the office site and related financial issues

4. Main features of the building to house the Permanent Secretariat, including office space, facilities for conference and availability of general services (security, maintenance, etc)

5. Basis for placing the office facilities at the disposal of the Permanent Secretariat, such as:

   (a) ownership by the Permanent Secretariat (through donation or purchase)

   (b) ownership by the host government without rent

   (c) host Government ownership with rent and amount of such rent

6. Responsibility for:

   (a) major maintenance and repairs to the office facilities

   (b) normal maintenance and repair

   (c) utilities, including communication facilities

7. Extent to which the office facilities would be furnished and equipped by the host Government

8. Duration of the arrangements regarding office space

Local facilities and conditions

9. Description of the following facilities and conditions:

   (a) diplomatic representation in the host city

   (b) presence of international organizations

(c) international transport and travel facilities

(d) local transport facilities

(e) local availability of trained personnel for possible employment in the Permanent Secretariat, taking account of language and other skills

(f) health facilities and access to them by staff members of the Permanent Secretariat

(g) availability of suitable housing

(h) availability of schools at all levels, including in languages other than local language, if any

(i) facilities for transfer of funds to and from foreign countries for the Permanent Secretariat and its staff members

Other relevant information

10. Any additional contributions to be made by the host Government to meet the operating costs of the Permanent Secretariat or to defray conference service expenses

11. Any other information which the potential host country may deem relevant